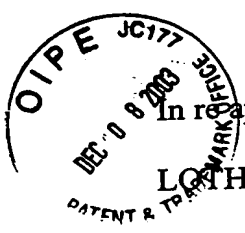


SF



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

LOTHAR E.S. BUDIKE, JR.

Serial No. 09/299,124

Filing Date: April 26, 1999

For: Multi-Utility Energy Control and
Facility Automation System With
Dashboard Having a Plurality of
Interface Gateways

:
:
: Examiner:
:
: Thomas A. Dixon
:
: Group Art Unit: 2161
:
: Attorney Docket No.: PWB-119C

Honorable Commissioner of Patents and Trademarks
Washington, DC 20231

RECEIVED

DEC 10 2003

GROUP 3600

DECLARATION OF LOTHAR E.S. BUDIKE

I, Lothar E.S. Budike, declare as follows:

1. I am the inventor in the above-identified patent application.
2. I did not direct my attorney to file a Response in this application in a timely fashion because the application has been assigned to Powerweb, Inc. I was the President of the company and handling payments on all patent matters. Prior to the due date of the Response, I was removed from some financial and management responsibilities and directed the new people in charge to send payment to my attorney and have him file a timely Response with a Terminal Disclaimer and proper fee. When they looked at their records they confused two different patent applications and failed to contact the attorney, because the other application had already been taken care of. As soon as I discovered the

error, I corrected the problem and the proper Response is attached hereto.

Thus, the application went abandoned unintentionally.

3. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: June 6, 2002

Respectfully Submitted,


Lothar E.S. Budike

KPG/dm
cc: Lothar E.S. Budike
EM RRR No. EU 424804635 US